

NOT YET SCHEDULED FOR ORAL ARGUMENT

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE D.C. CIRCUIT**

CENTER FOR BIOLOGICAL  
DIVERSITY,

Petitioner,

v.

U.S. ENVIRONMENTAL PRO-  
TECTION AGENCY, *et al.*

Respondents.

No. 25-1005

**JOINT MOTION TO GOVERN FUTURE PROCEEDINGS**

Pursuant to Rule 27, Petitioner Center for Biological Diversity and Respondents U.S. Environmental Protection Agency (“EPA”) and EPA Administrator Lee Zeldin hereby submit this motion to govern future proceedings and respectfully request the Court enter the briefing schedule set forth below.

1. This action concerns Petitioner’s petition for review of EPA’s final rule entitled Review of the Secondary National Ambient Air Quality Standards for Oxides of Nitrogen, Oxides of Sulfur, and Particulate Matter, 89 Fed. Reg. 105692 (Dec. 27, 2024) (“Final Rule”). ECF No. 2093044.

2. On January 8, 2025, this Court issued an order setting the schedule for initial filings in this case, ECF No. 2093047, which it extended at EPA's request on February 5, 2025, ECF No. 2099046.

3. On March 10, 2025, Respondents filed an opposed motion to hold this case in abeyance to afford EPA's new administration time to review this matter. ECF No. 2104802.

4. On March 20, 2025, Petitioner filed its opposition to Respondents' motion. ECF No. 2106710.

5. On March 26, 2025, Respondents filed the Certified List of Contents of the Administrative Record. ECF No. 2107767.

6. On April 10, 2025, Respondents filed a notice of withdrawal of its motion to hold this case in abeyance and stated its intent to confer with Petitioner regarding a proposed briefing schedule before April 25, 2025. ECF No. 2110375.

7. The parties have conferred and request the Court enter the following briefing schedule:

Petitioner's Opening Brief	July 8, 2025
Respondents' Brief	September 29, 2025
Petitioner's Reply Brief	October 29, 2025
Deferred Joint Appendix	November 7, 2025
Final Briefs	November 17, 2025

Dated: April 24, 2025

/s/ Ryan Maher

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Respectfully submitted,

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## **CERTIFICATE OF COMPLIANCE**

This motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d)(2)(A) because it contains 271 words, excluding those parts exempted by Rule 32(f).

This motion complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5)(A) and the type-style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word 2016 Times New Roman 14-point font.

/s/ *Kimere J. Kimball*  
KIMERE J. KIMBALL

## **CERTIFICATE OF SERVICE**

I hereby certify that on April 24, 2025, I electronically filed the foregoing motion with the Clerk of the Court for the United States Court of Appeals for the District of Columbia Circuit by using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ Kimere J. Kimball  
KIMERE J. KIMBALL